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C O N F I D E N T I A L SECTION 01 OF 02 BOGOTA 008602

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TAGS: PHUM PINR PREL PTER CO

SUBJECT: AMBASSADOR MEETS WITH UNHCHR MICHAEL FRUHLING

REF: A. (A) BOGOTA 3223

1B. (B) BOGOTA 2306

Classified By: Ambassador William B. Wood, for reasons 1.4 (b) and (d).

1. (C) Summary: On September 8, the Ambassador met with United Nations High Commissioner for Human Rights (UNHCHR) Director in Colombia Michael Fruhling and his deputy, Amerigo Incalcatera. Fruhling raised several concerns about the implementation of the Law on Justice and Peace, and about human rights cases involving reports of arbitrary detention, torture, and extrajudicial executions. The Ambassador repeatedly asked Fruhling to provide information on the human rights cases in order to follow-up but Fruhling did not commit to do so. End summary.

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Law on Justice and Peace  
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2. (C) Fruhling raised concerns about eligibility (Articles 10-11, ref A), the interview process and recording of information, the penalty for lying (Article 25, ref A), and protection for the demobilized. He said he had met with Prosecutor General ("Fiscal General") Mario Iguaran and other GOC representatives to discuss these concerns.

3. (C) Regarding eligibility, Fruhling was concerned that it was not clear which state institutions would certify that the criteria for eligibility were being met, at various stages during the process. The Ambassador echoed this concern, and added that Iguaran will need to spend the political capital he saved working as the VM for Justice for Uribe when he makes the first politically sensitive determinations on ineligibility. The Ambassador said Iguaran will have to distinguish carefully between those who are eligible for benefits under Law 782 and those who are eligible under the Law on Justice and Peace because a mistake could be extremely embarrassing (see ref B).

4. (C) Fruhling said he told Iguaran it was extremely important that he issue clear instructions to the investigators conducting the demobilization interviews in order to capture as much information as possible, and in a manner conducive to confession. He also told Iguaran it would later be important to "map out" the information obtained in the interviews to establish a common history of what happened. The Ambassador said he had asked the GOC to issue very clear interviewing instructions, and to send some people to the archives of local media to start constructing the public records of what happened in the conflict. The records could be used at different points during the interview process to cross-check the veracity of a person's claim, and to give them a sense that the truth had already been revealed by someone else. Both agreed that the creation of a database to house the records and testimony of the demobilized was critical. Fruhling said his office could offer advisory services to set up a database, but Iguaran had to make the decision to get the project started first.

5. (C) Regarding Article 25, Fruhling said he had asked Iguaran to add the clause saying the sentence of a demobilized person would be increased by 20 percent if it was discovered that s/he had unintentionally omitted something during testimony that was later discovered. The Ambassador said he had pushed hard to have that language included, and agreed that toughening the penalty should send a clear message. But he added that it is even more important that a candidate for demobilization understand that an admission of illegal acts will lead to protection, whereas a denial will lead to a rougher road under the civilian justice system.

6. (C) Fruhling said he told Iguaran that it is important that he choose the leadership of the Prosecutor General's Office ("Fiscalia") protection unit very carefully, examining the qualifications of the candidates rigorously. Since the demobilized will be under abnormally high risk, he said, this will be even more important. The Ambassador countered that the risks are no higher for the demobilized than for members of any other criminal organization that falls apart, and the Fiscalía has to be pragmatic about how it divides its resources. The USG will continue to provide training to protection units wherever possible.

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Human Rights Abuse Allegations

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17. (C) Fruhling was concerned about reports of high numbers of extrajudicial killings (he said between 30 and 35) in the first half of 2005 where either security forces were allegedly involved or the security forces appeared to be collaborating with paramilitaries. He said he raised the issue with VP Santos and both Santos and President Uribe have expressed concern about the reports. The Ambassador asked for the information about the reports so the embassy could follow-up but Fruhling did not commit to giving it.

18. (C) Fruhling also said he was concerned about reports of high numbers of arbitrary detentions -- of individuals and groups -- and cases of severe mistreatment or torture. The Ambassador asked for more information about these cases. When further pressed to give details about the reports to the embassy, Fruhling deflected the question, saying the numbers are not uncharacteristically high, but the issue is a recurring problem.  
DRUCKER